

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

BRANDON HOLISTER, LMHIP; UNKNOWN WHITE FEMALE OFFICER FOR NDCS, FOSTER, Inmate of Tecumsehs Super Max Prison; B.J., Inmate of Tecumsehs Super Max Prison; NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, STEPHANIE BAREN, Counsel Ombudsman, Inspector General of Nebraska; BLUE, Case Manager; VICTOR OSUNA, RICARDO MANDOZA, LEWIS VASQUEZ, KRUGLE, Captain, of RTC; CORPRAL ANDREWS, MATTHEW PAVEY, CODY MILLER, Corpral; and MARTIN, Dietary Kitchen;

Defendants.

8:23CV214

MEMORANDUM AND ORDER

This matter is before the Court on three motions filed by Plaintiff on July 10, 2023, which seek a “continuance” or an extension of his deadline to show cause and to amend his Complaint. [Filing No. 7](#); [Filing No. 8](#); [Filing No. 9](#).

I. MOTIONS TO EXTEND SHOW CAUSE DEADLINE

On June 9, 2023, the Court ordered Plaintiff “to show cause why this case should not be dismissed pursuant to the provisions of [28 U.S.C. §1915\(g\)](#) or, in other words, to show cause why the immediate danger exception is applicable to him” by July 10, 2023 (hereinafter “Show Cause Order”). [Filing No. 6](#). In all three of his motions, Plaintiff requests a 30-day extension of time to file his response to the Show Cause Order. [Filing No. 7 at 1](#); [Filing No. 8 at 2](#); [Filing No. 9 at 1–4, 8](#). While Plaintiff’s motions

contain allegations that appear responsive to the Show Cause Order, the Court will grant Plaintiff's request for a 30-day extension of time to file a response to the Show Cause Order. Plaintiff has 30 days from the date of this Memorandum and Order to submit one document containing his response to the Show Cause Order.

II. MOTIONS TO AMEND

In [Filing No. 7](#), Plaintiff asks to change defendant "B.J." to D.J. a/k/a Dan Jones to reflect the defendant's correct name. [Filing No. 7 at 2](#). Upon consideration, Plaintiff's request is granted, and the caption will be updated accordingly.

In [Filing No. 8](#), Plaintiff requests "to add information . . . regarding retaliation from N.D.C.S. Employees." [Filing No. 8 at 1](#). Liberally construing Plaintiff's request as a motion to supplement, the Court will grant Plaintiff's motion and consider page 1 of [Filing No. 8](#) as supplemental to the Complaint. See NECivR [15.1\(b\)](#).

In [Filing No. 9](#), Plaintiff asks to add defendants "Lank" Griffin and "Blue" a/k/a Jay Bone to this action along with Plaintiff's allegations against them. [Filing No. 9 at 5–6](#). Upon consideration, the Court will grant Plaintiff's request to add these two defendants and will consider pages 5 and 6 of [Filing No. 9](#) as supplemental to the Complaint.

Plaintiff is warned, however, that if he seeks to further amend his Complaint, then, going forward, he must comply with NECivR [15.1\(a\)](#) and file a "motion for leave to amend [that] specifically state[s] the proposed amendments" and includes "as an attachment to the motion an unsigned copy of the proposed amended pleading that clearly identifies the proposed amendments." The Court will not permit the piecemeal filing of supplemental materials in this case as the repeated filing of supplemental

materials frustrates the Court's ability to discern and review the claims Plaintiff seeks to raise in this matter.

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for a 30-day extension of time to file his response to the Show Cause Order, [Filing No. 7](#); [Filing No. 8](#); [Filing No. 9](#), is granted. Plaintiff shall have until **August 17, 2023**, to file *one document* containing his response to the Show Cause Order.

2. Plaintiff's motion to correct a defendant's name, [Filing No. 7](#), is granted. The Clerk of Court is directed to update the caption and change defendant "B.J." to "D.J. a/k/a Dan Jones."

3. Plaintiff's motions to supplement his Complaint and add defendants, [Filing No. 8](#); [Filing No. 9](#), are granted. The Court will consider page 1 of [Filing No. 8](#) and pages 5 and 6 of [Filing No. 9](#) as supplemental to the Complaint.

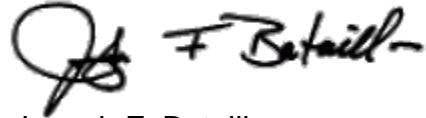
4. The Clerk of Court is directed to add the following language to the docket text of [Filing No. 8](#) and [Filing No. 9](#): "Supplement to Complaint, [Filing No. 1](#), as stated in [Filing No. 10](#)."

5. The Clerk of Court is further direct to add "Lank Griffin" and "Blue a/k/a Jay Bone" as defendants to this action.

6. The Clerk of Court is directed to set a pro se case management deadline using the following text: **August 17, 2023**: response to Show Cause Order due.

Dated this 18th day of July, 2023.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Judge